

NORRIS, McLAUGHLIN & MARCUS

A PROFESSIONAL CORPORATION

875THIRD AVENUE
18TH FLOOR
New York, NY 10022
(212) 808-0700
Facsimile: (212) 808-0844RECEIVED
CENTRAL FAX CENTER

JUN 24 2008

FACSIMILE COVER SHEETTO: **Mail Stop: Issue Fee**
US Patent and Trademark Office

SERIAL NO.: 10/623,241

TELEFAX:

MAIL STOP Issue Fee
571-273-8300

ATTORNEY DOCKET NO.:

100723-14

DATE:

June 24, 2008

MESSAGE:

I hereby certify that the following papers are being transmitted by facsimile to the Patent and Trademark Office on the date shown below:

- Petition to Withdraw Holding of Abandonment (2 pages)
- Prima Facie Evidence (2 pages)
- Fax Cover sheet - (1 page)

CHARGE DEPOSIT ACCOUNT 14-1263By Estela NoyolaDate June 24, 2008

We are transmitting 5 pages, including cover page. If the transmission is not complete, please call (212) 808-0700 and ask for Estela Noyola at Ext. 8871.

This is the only form of delivery for this document:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU

New Jersey Office: 721 Route 202-206
P.O. Box 1018
Somerville, NJ 08876-1018
Telephone: (908) 722-0700 Facsimile: (908) 722-0755

Q:\CL_DATA\100723\14\00119983.DOC

RECEIVED
CENTRAL FAX CENTER

JUN 24 2008

Attorney Docket: 100723-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JURGEN HORN, ET AL.
USSN.: 10/623,241
FILING DATE: July 18, 2003
FOR: Gama-Sterilisable Nutrient Medium Based on Casein Soya Peptone Agar
ART UNIT: 1657
EXAMINER: Kailash C. Srivastava
CUSTOMER NO.: 27,388

Mail Stop: Issue Fee
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

The above-identified application is apparently held abandoned for failure to timely pay the required issue and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance. Applicants respectfully request that the Commissioner exercise his authority and withdraw the holding of abandonment in view of the following facts:

A Notice of Allowance was mailed to the Applicant on February 14, 2008. On April 22, 2008 Applicant faxed the appropriate Fee transmittal to Mail Stop Issue Fee. However, due to a clerical error Applicant inadvertently did not check the appropriate fees to be paid.

Copies of the Fee Transmittal and the facsimile transmittal confirmation showing that the Applicant attempted to timely pay the required issue fee and publication fee are attached hereto.

Petition to Withdraw Holding of Abandonment
U.S. Serial No. US 10/623,241

Page 1

JUN 24 2008

The facsimile transmittal of mailing constitutes prima facie evidence that the Fee Transmittal was timely filed.

Applicants request, therefore, that the Commissioner exercise his authority and correct the record to show that this application is pending and has not been abandoned. Specifically, it is respectfully requested that the Notice of Abandonment be withdrawn and the application returned to active status.

FEE

The director is hereby authorized to charge the required issue fee and publication fee in the amount of \$1740.00 to Deposit Account No. 14-1263.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By 

Serle I. Mosoff
Reg. No. 25,900
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844
Facsimile: (212) 808-0844



Auto-Reply Facsimile Transmission

RECEIVED
CENTRAL FAX CENTER
JUN 24 2008

TO: Fax Sender at 2128080844
Fax Information
Date Received: 4/22/2008 2:56:12 PM [Eastern Daylight Time]
Total Pages: 1 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

04/22/2008 14:01 2128080844 NORRIS MCLAUGHLIN PAGE 01/01

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE-ACK
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (570) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and MODIFICATION FEE (if applicable). Please check the appropriate box(es) for the fee(s) being transmitted. The fee(s) should be transmitted by the date indicated in the box(es) for the fee(s) being transmitted. The fee(s) should be transmitted by the date indicated in the box(es) for the fee(s) being transmitted. The fee(s) should be transmitted by the date indicated in the box(es) for the fee(s) being transmitted.

2734 7590 02/14/2008
NORRIS, MCLAUGHLIN & MARCUS, PA
875 THIRD AVENUE
18TH FLOOR
NEW YORK, NY 10022

CERTIFICATE OF MAILING OR TRANSMISSION
I hereby certify that this Fee(s) Transmittal was transmitted to the United States Patent and Trademark Office by first class mail, by air mail, by registered mail, by certified mail, by express mail, or by any other means of transmission, on the date indicated in the box(es) for the fee(s) being transmitted.

APPLICATION NO. 10633303 FILING DATE 07/16/2003 FIRST NAMED INVENTOR Arjun Srivastava ATTORNEY DOCKET NO. 107203-14 / DEIL WOLFF 2344
TITLE OF INVENTION: GANMA-STERILIZABLE NUTRIENT MEDIUM BASED ON CASHEW SOYA YEASTONE AGAR

APPL. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL PREP. DUE	DATE DUE
Nonprovisional	NO	\$1400	\$190	\$0	\$1590	05/14/2008

EXAMINER: SRIVASTAVA, KAILASH C 1607 CLASS/RURCLAS: 035-237400

1. Change of correspondence address or indication of "The Address" (37 CFR 1.33).
☐ Change of correspondence address (or Change of Correspondence Address from PTO/USPTO) (37 CFR 1.33).
☐ "The Address" indication (or "The Address" indication from PTO/USPTO) (37 CFR 1.33).
☐ "The Address" indication (or "The Address" indication from PTO/USPTO) (37 CFR 1.33).

2. For printing on the patent front page, list:
(1) the name of up to 3 registered person attorneys or agents (37 CFR 1.33).
(2) the name of a single firm (acting as a member of a registered attorney or agent) and the name of up to 3 registered person attorneys or agents, if no name is listed, no name(s) is printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THIS PATENT (37 CFR 1.33).
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the disclaimer has been filed for publication on or after 10/16/2001. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☒ Individual ☐ Corporation or other private group entity ☐ Government

4. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (for small entity discount period) ☐ Advance Order - \$ of Cash
☐ Payment of Fee(s) (Please check appropriate box(es) previously paid issue fee above):
☐ A check is enclosed.
☐ Payment by credit card, Form PTO-6033 is attached.
☐ The Director is authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number: _____

5. Change in Correspondence (from what is indicated above):
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.101. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.101(b)(2).

6. The fee(s) for the Publication Fee (if required) will be applied from anyone other than the applicant, a registered attorney or agent, or the assignee of either party is listed as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: _____ Date: April 22, 2008
Typed or printed name: Serje T. Nogueira
Examiner No. 25900

The collection of information is required by 37 CFR 1.331. The information is required in order to maintain a record by the public which is to be used by the USPTO to process an application. The information is required by 37 CFR 1.331. The information is required in order to maintain a record by the public which is to be used by the USPTO to process an application. The information is required by 37 CFR 1.331. The information is required in order to maintain a record by the public which is to be used by the USPTO to process an application.

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

PAGE 01/01 * RCVD AT 4/22/2008 2:56:12 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-6/30 * DNIS:2738300 * CSID:2128080844 * DURATION (mm:ss):01:38

BEST AVAILABLE COPY